

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Transport Department – Allegation of possession of assets disproportionate to the known sources of legal income against Sri D.Dasaratham, Motor Vehicles Inspector – Departmental Proceedings initiated – Explanation Submitted – Further action dropped – Orders – Issued.

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TRANSPORT, ROADS & BUILDINGS (VIG.III.2) DEPARTMENT

G.O.Rt.No. 272

Dated 19.2.2014.
Read the following:-

- 1) From the Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad, Lr.No.43/RCA-HRG/2009, Dated 2.8.2011.
- 2) From Sri D.Dasaratham, Motor Vehicles Inspector representation dated 20.8.2011.
- 3) Govt.Memo.No.2291/Vig.III/2/2009-7, Transport, Roads & Buildings Department, Dated 19.11.2011.
- 4) From the Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad, Lr.No.43/RCA-HRG/2009, Dated 16.1.2012.
- 5) Govt.Memo.No.2291/Vig.III/2/2009-8, TR&B Deptt., Dated 5.3.2012
- 6) From the Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad, Lr.No.43/RCA-HRG/2009, Dated 3.9.2012.
- 7) Govt.Memo.No.2291/Vig.III/2/2009-9, Transport, Roads & Buildings Department, Dated 17.10.2012.
- 8) Charge Memo.No.1446/V3/V2/2009, dated 6.11.2012 of the Transport Commissioner, Andhra Pradesh, Hyderabad.
- 9) From Sri D.Dasaratham, Motor Vehicles Inspector representation dated 26.11.2012 and 14.3.2013.
- 10) From the Transport Commissioner, Andhra Pradesh, Hyderabad, Letters dated 20.4.2013 and 4.10.2013.

ORDER:

The Anti Corruption Bureau has registered a case in Cr.No.4/ACB-HR/2009 under section 13(1)(e) read with 13(2) of the Prevention of Corruption Act, 1988 against Sri D. Dasaratham, Motor Vehicle Inspector (now Regional Transport Officer) on the allegation that he is in possession of assets disproportionately to the known sources of his income and investigated into the matter.

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2. In his letter 1st read above, the Director General, Anti Corruption Bureau has submitted his final report stating that Sri D. Dasaratham is in possession of assets disproportionate to the tune of Rs.40,69,993/- and proposed inter-alia for prosecution of the individual.

3. In the meanwhile, Sri D.Dasaratham in his representation 2nd read above, while furnishing certain material and copy of explanation submitted to the ACB has requested the Government to consider his case sympathetically and drop further action against him.

4. Government after careful examination of the material, reports of the Anti Corruption Bureau and the representation of the Accused Officer with supporting material have decided to initiate departmental action against Accused Officer and accordingly in the Memo. 3rd read above, while communicating the decision of the Government, requested the Director General, Anti Corruption Bureau to furnish draft articles of charges etc..

5. In his letter 6th read above, the Anti Corruption Bureau have furnished the draft article of charges etc. In the Charge Memo. 8th read above, the Transport Commissioner has initiated Departmental action against Sri D.Dasaratham, Regional Transport Officer. In his representation 9th read above, he has submitted explanation along with supporting material and requested to drop further action against him.

6. In his explanation he has stated that he hail from a business community; that his father as business man owned several properties and apportioned his properties among his children; that his father-in-law worked as Senior Officer in HMT & later APHMEL; that he took Voluntary Retirement during 1990 and started own business, clearing agent for imports and exports and continuing till date; that his wife was given the cash, gold ornaments of 65 tulas, silver articles of 5 Kgs, kitchenware and other sare saman and other gifts towards "Pasupukumkuma" at the time of marriage on 13.6.1982: that she used to give tuitions also and thus she was deriving income from tailoring and tuitions; that these particulars reflected in her I.T. Returns; that his wife is independent of her financial activities ever since their marriage and she is never dependent on him and she is an income tax assessee; that further she received cash gifts from his father as well as her parents and the same were reflected in her income tax returns;

7. He has also stated that his children's are also income tax assesses; that he had not contributed any amount from his income for acquiring properties on the name of his wife and children; that his wife and children acquired properties meeting their own sources and the same were reflected in their respective income tax returns and as such the APCS (Conduct) Rules, 1964 do not regulate the acquisitions of his wife and children out of their own sources and stated that he had intimated the particulars of the properties acquired by his wife/children through the concerned authorities from time to time.

8. He has further stated that in the case of K. Inbasakaran Vs DSP CBI Chennai (2006) 1 Supreme Court cases 420) their Lordships the Apex Court observed that the properties assessed in the hands of the wife of the Charged Officer cannot be attributed to the Charged Officer in the absence of any evidence that the assets belong to him; that since his wife is having independent source of income ever since their marriage and she is an Income Tax Assessee and never dependent on him and as such the value of properties acquired by her cannot be attributed to him; that as such, he did not acquire or dispose off any immovable or movable properties and therefore, the averment that he did not obtain prior permission for purchase/disposal of properties on his name does not stand to any standards of scrutiny; that in the case of Pitamber Lal Goyal, Addl. District & Sessions Judge Vs State of Hariyana (1999 (1) SLJP & H 188) the High Court observed that even if it is assumed that the petitioner had the knowledge, he was required to inform the prescribed authority or obtain its previous sanction only if he was acquiring or disposing of property "either his own name or in the name of any member of his family". In the present case, it is established on the record that the petitioner's wife had bought the plot of land with her own money. She is not a Govt. Servant. The petitioner had not paid for the transaction. He was not acquiring the property either in his own name or in the name of a member of his family. The High Court held that the transaction did not fall within the mischief of Rule 18(2) of Govt. Employees (Conduct) Rules, 1966.

9. He has finally stated that as per the above judgement, acquisition of property by wife in her name, where not paid for by the Govt. Servant not attracted by Conduct Rules; thus the averment that he did not obtain prior permission from the competent authority or give intimation regarding the properties acquired by his wife/children does not merit any consideration and therefore requested to exonerate him of the charge in the interest of justice.

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10. Government after careful examination of the matter taking into account the details furnished by the Charged Officer, duly considering the transactions that covered under I.T. Returns or through regular bank transactions and as per the instructions in vogue, have observed that after deducting the expenditure and total value of the assets, the remaining balance is higher than the value of assets and therefore nothing remains which can be termed as disproportionate asset attributable to the Charged Officer Sri D.Dasaratham Regional Transport Officer and therefore decided to drop further action against him.

11. Accordingly, Government hereby drop further action against Sri D.Dasaratham, Regional Transport Officer in the matter.

12. The Transport Commissioner, Andhra Pradesh, shall take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D. LAKSHMI PARTHASARATHY,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

Sri D.Dasaratham, Regional Transport Officer through the Transport Commissioner, Andhra Pradesh, Hyderabad.

The Transport Commissioner, Andhra Pradesh, Hyderabad.

Copy to:

The Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad.

The Secretary, Andhra Pradesh Vigilance Commissioner, A.P., Hyderabad.

SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER.